

Shelby,	102	132	119	7	379
Smith,	30	831	54	114	723
Starr,	7	154	175	88	192
Tarrant,	23	144	43	63	
Titus,	107	181	141	103	
Travis,	189	384	353	228	138
Trinity,	36	6	33	17	2
Tyler,					
Upshur,	28	528	281	254	
Van Zandt,	1	168	20	135	34
Victoria,	134	56	105	69	
Walker,	99	325	272	138	59
Washington,	223	376	327	315	273
Webb,		179	175	2	12
Wharton,	111	2	56	3	57
Williamson,	1	363	121	65	
Wood,	9	134	58	87	
Total,	6,432	19,491	13,940	7,944	7,369

On motion of Mr. Lott, the communication was referred to the committee on State Affairs.

On motion of Mr. Scott, a bill to amend the 3d section of an act to raise a revenue by taxation, approved March 20th, 1848, was taken from the table, and, on motion of Mr. Gage, referred to the committee on the Judiciary.

Mr. Bryan offered the following resolution ;

Resolved, That the committee on Public Buildings be allowed to send for persons and papers necessary to the thorough investigation of acts relative to the purchase of the furniture for the new capitol ; adopted.

On motion of Mr. Scott, the Senate adjourned until 9 o'clock to-morrow morning.

THURSDAY, Dec. 1st, 1853.

The Senate was called to order pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

In accordance with a resolution offered on yesterday by Mr. Hill, and adopted, requiring the appointment of a committee composed of one Senator from each judicial district, to inquire into the expediency of re-organizing the judicial districts of the

State, and to act in conjunction with a committee from the House for a similar purpose, the President announced the following committees: Messrs. Hill, Potter, Armstrong, Paschal, Edwards, Newman, Pedigo, Allen, Martin, Lytle, Doane, Durst and Milligan.

Mr. Bryan presented the following petitions:

- The petition of William H. Scott, asking for land;
- The petition of Jane H. Perry, praying for grant of land;
- The petition of Samuel Vessy, asking for 640 acres of land; and
- The petition of Eli Dial, praying for relief.

All of which were respectively referred to the committee on Private Land Claims.

Mr. Potter, chairman of the committee on the Judiciary, made the following report:

The Judiciary committee have considered a resolution proposing that the Senate should refuse to grant relief to land claimants holding claims against the late Republic or State of Texas, who have neglected or refused to avail themselves of the benefits of laws passed under which they could have proved up or established their claims. The committee are of opinion that so far as the resolution may refer to that class of claims usually known as "fraudulent land certificates," not recommended by the commissioners appointed under the act to detect fraudulent land certificates, the certificates are void, with the exception of such as have been proved up before the judicial tribunals; and the legislature has not the right or power now to validate them. The Constitution of the State, article 9, section 2, opened the district courts until the first day of July, 1847, for the establishment of such certificates, and declared that all such certificates not established or sued upon within the time limited, and all locations and surveys thereon should be forever null and void. It is not supposed that there is any other class of claims embraced within the terms of the resolution in relation to which there is any constitutional prohibition against legislative action. The question, then, as to whether the Senate will grant relief on claims not included in the class of fraudulent certificates, is believed to be one purely of State policy, and the committee are not prepared to recommend the adoption of this arbitrary rule proposed by the resolution, as a measure of policy or justice at this time.

They have therefore directed me to return the resolution to the Senate, and ask to be discharged from its further consideration.

Mr. Edwards, chairman of the committee on Printing and Contingent Expenses, made the following report :

The committee on Printing and Contingent Expenses, to whom was referred a joint resolution proposing to rescind the contract subscribing for ten copies of the Tri-Weekly Gazette, and ten copies of the Tri-Weekly State Times, have had the same under consideration, and I am instructed to report the same back to the Senate and recommend that it lie on the table. The committee believe that no expense which the Legislature are of necessity bound to incur, is more cheerfully endorsed by their constituents than that which is incidental to the dissemination of our proceedings through the press ; and the public mind throughout the State looks with deep interest to the action of this Legislature.

Your committee are of opinion that this body would act in bad faith towards the editors contracting to print and furnish us their tri-weekly papers for the session, to rescind said contract. Under a resolution of the Senate, the committee on Printing and Contingent Expenses were instructed to contract for ten copies of the Tri-Weekly Gazette, and ten copies of the Tri-Weekly State Times. Your committee have performed that duty, and had previously reported to the Senate the terms of said contract, to wit : at six cents per copy for the session. The committee, therefore, report adversely to the joint resolution.

Mr. Bryan, chairman of the committee on Engrossed Bills, made the following report :

The committee on Engrossed Bills have examined the following bills :

A bill granting lands in payment of an allowance or pension granted on the 18th December, 1837, to the family of Erastus Smith ;

A Bill to be entitled an act supplementary to an act making an appropriation to defray the expenses of three companies of volunteers called into service of the State, for the protection of the frontier ;

A bill to amend the first and seventh sections of an act concerning writs of certiorari to justices' courts.

A bill setting apart and reserving one league of land around each military post on the frontier, for the present use and occupancy of the United States.

A bill for the relief of J. W. Magoffin and Hugh Stephenson ;

A bill to amend an act entitled an act to incorporate the city of Brownsville, approved February 7th, 1853 ; and

A bill regulating mills and millers.

All of which are correctly engrossed.

Mr. Allen, from the committee on Public Lands, to whom was referred a bill to re-organize the Grayson, Cooke and Denton county land districts, reported the same back to the Senate and recommended its passage.

Mr. Armstrong, from the committee on Public Lands, to whom was referred a bill confirming certain headright grants of land lying on the boundary line of Robertson's and Austin's Little Colony, reported back to the Senate a substitute therefor, and recommended its adoption and the passage of the bill.

Mr. Armstrong, from the same committee, to whom was referred a resolution requiring said committee to report the propriety of allowing more than two surveys of land in certain cases, reported back to the Senate the following bill:

A bill relating to surveys of land in certain cases; read first time.

Mr. Armstrong, from the same committee, made the following report:

The committee on Public Lands, to whom was referred a bill to dispose by entry, sale, survey and patent, of small tracts or fractions of public domain, consisting of not exceeding one hundred and sixty acres each, &c., have instructed me to report the same back to the Senate, said committee being divided in opinion as to the propriety of the measure.

Mr. McDade introduced a bill fixing the rate of patent fees; read first time.

Mr. Millican introduced a bill authorizing the patenting of James B. Cook's headright claim; read first time.

On motion of Mr. Keenan, the bill for the relief of James M. Parker, was taken from the table and placed among the orders of the day.

Mr. Bryan introduced a bill to authorize and require the Commissioner of the General Landoffice to issue a patent to M. Kennedy; read first time.

ORDERS OF THE DAY.

A bill regulating mills and millers; read third time.

Mr. Weatherford moved to amend the bill by striking out that part which relates to mills being attached to cotton gins; lost.

Mr. Whitaker offered the following amendment:

That all mills propelled by water power, a toll of one-eighth of corn and no more, shall be required; rejected by the following vote:

YEAS—Messrs. Doane, Gage, Guinn, Hart, Kyle, Lott, Newman, Potter, Scarborough, Superviele, Taylor and Whitaker—12.

NAYS—Messrs. Allen, Armstrong, Bryan, Burks, Hill, Jowers, Keenan, Lytle, Martin, McAnelly, McDade, Millican, Paschal, Sublett and Weatherford—15.

The bill was then passed by the following vote:

YEAS—Messrs. Allen, Armstrong, Bryan, Guinn, Hill, Lytle, Martin, McAnnelly, McDade, Millican, Newman, Paschal, Potter, Scarborough, Superviele and Weatherford—16.

NAYS—Messrs. Burks, Doane, Gage, Hart, Jowers, Keenan, Kyle, Lott, Sublett, Taylor and Whitaker—11.

A bill to amend an act to incorporate the city of Brownsville; read third time and passed by the following vote:

YEAS—Messrs. Allen, Armstrong, Bryan, Burks, Doane, Duist, Edwards, Gage, Guinn, Hart, Hill, Holland, Kyle, Lott, Lytle, Martin, McAnelly, McDade, Millican, Newman, Paschal, Potter, Scarborough, Sublett, Superviele, Taylor and Whitaker—27.

NAYS—Mr. Weatherford—1

The following bills were severally read a third time and passed:

A bill to amend the first and seventh sections of an act concerning writs of certiorari to justices' courts;

A bill granting land in payment of an allowance or pension granted on the 18th day of December, 1837, to the family of Erastus Smith, known in the history of Texas as "Deaf Smith;"

A bill supplementary to an act making an appropriation to defray the expenses of three companies of volunteers called into service of the State for the protection of the frontier; and

A bill for the relief of James W. Magoffin and Hugh Stephenson.

A bill setting apart and reserving one league of land around each military post on the frontier for the present use and occupancy of the United States troops; read third time, and, on motion of Mr. Gage, laid on the table.

A bill to incorporate the Texas and Red River Telegraph Company; read and passed to a third reading.

A bill to authorize the cancelling of patents in certain cases, with the report of the committee on the Judiciary, recommending a substitute therefor; read, substitute adopted, and bill ordered to be engrossed.

On motion of Mr. Armstrong, a bill to amend the 31st and 64th sections of an act to organize justices' courts, and to define

the powers and jurisdiction of the same, approved March 20th, 1848, was taken from the table and referred to the committee on the Judiciary.

A bill for the relief of James H. Tom; read second time, and ordered to be engrossed.

A bill supplementary to an act to amend an act to incorporate the Buffalo Bayou, Brazos and Colorado Railroad Company, approved January 29, 1853; read second time, and, on motion of Mr. McDade, referred to the committee on Internal Improvements.

A bill to amend an act to organize county courts, approved March 16th, 1848; read second time, and, on motion of Mr. Guinn, referred to the committee on Finance.

A bill for the relief of James M. Parker; on motion of Mr. Jowers, laid on the table.

A bill to establish the Galveston, Houston and Henderson Railroad Company, with the report of the committee on Internal Improvements, recommending an amendment thereto; read and report adopted.

Mr. Gage offered the following substitute for the 4th section:

Said company is also hereby further authorized and empowered to extend said railway from the town of Henderson, in Rusk county, by such course, and in such direction as the company may deem proper, in order to connect with the Pacific or any other railway; and this act shall take effect and be in force from and after its passage; adopted.

Mr. Armstrong moved to strike out twenty and insert fifty; rejected.

Mr. Taylor offered the following amendment:

Strike out all in first section that relates to lands; rejected by the following vote:

YEAS—Messrs. Armstrong, Martin and Taylor—3.

NAYS—Messrs. Allen, Bryan, Burks, Doane, Edwards, Gage, Guinn, Hart, Hill, Holland, Jowers, Keenan, Kyle, Lytle, McAnelly, McDade, Millican, Newman, Paschal, Pedigo, Potter, Scarborough, Scott, Sublett, Superviele, Weatherford and Whitaker—27.

On motion of Mr. Potter, the Senate adjourned until to-morrow morning at 9 o'clock.